

**IN THE DRAWINGS:**

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheets including the same figures. In Fig. 1, the reference numbers "26" and "27" have been changed to "36" and "37." In Fig. 2, the reference numbers "2," "8," "9," "10" and "22" have been changed to "8," "6a," "7a," "12" and "9," respectively.

Attachments: Replacement Sheets (2)  
Annotated Sheets (2)

### **REMARKS**

By this Amendment, claims 1, 9 and 14 have been amended, leaving claims 1-35 pending in the application. Claims 20-35 were withdrawn from consideration. The specification has been amended to delete several references to the claims. The attached sheets of drawings include changes to Figs. 1 and 2. In Fig. 1, one of the two occurrences of reference number "26" has been changed to "36" because reference number "26" is also used in Fig. 1 to indicate the "catalyst unit," and one of the two occurrences of the reference number "27" has been changed to "37" because reference number "27" is also used in Fig. 1 to indicate the "top portion." In Fig. 2, the reference numbers "2," "8," "9," "10" and "22" have been changed to "8," "6a," "7a," "12" and "9," respectively, to be consistent with the description of Fig. 2 in the specification. No new matter has been added by the amendments. Favorable reconsideration is respectfully requested in light of the following remarks.

### **Restriction Requirement**

Applicants affirm that Group I, claims 1-19, was elected with traverse.

### **Rejection Under 35 U.S.C. § 112, ¶2**

Claim 9 was rejected under 35 U.S.C. § 112, ¶2.

Claim 9 has been amended to recite "which is adapted to sterilize packages having an open end and a closed end, wherein the sterilized packages are subjected to filling." Applicants submit that there is antecedent basis for the features recited in claim 9. Accordingly, withdrawal of the rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 102**

Claims 1, 3-6, 8-14 and 16-19 were rejected under 35 U.S.C. § 102(b) over U.S. Publication No. 2002/0129915 to Zelina et al. ("Zelina"). The rejection is respectfully traversed.

Claim 1, as amended, recites a device for sterilization in production of packages, which is adapted for sterilization with a gaseous sterilizing agent kept in the gaseous phase throughout the sterilization process. The device comprises a heating zone, a sterilization zone, a venting zone, an ambient temperature sensor located outside of the device for sensing the ambient temperature outside the device, a relative humidity sensor for measuring the relative humidity outside the device, a concentration meter for measuring the concentration of sterilizing agent in the sterilization zone, and a first control unit for controlling the amount of sterilizing agent introduced in the sterilization zone based on the temperature measured by the ambient temperature sensor, the relative humidity measured by the relative humidity sensor and the concentration measured by the concentration meter (emphasis added). Support for the amendments to claim 1 are found, for example, in Figure 1, and in the paragraph beginning at page 12 line 30, of the specification.

The Office asserts that Zelina discloses every feature of claim 1. Particularly, the Office asserts that Zelina's hydrogen peroxide decontamination system comprises a heating zone 170 (heating chamber 170), sterilization zone 11 (decontamination tunnel 11) and venting zone 182 (aeration chamber 182) as shown in Figure 1; and an ambient temperature sensor 152 (monitor 152) "that is capable of

measuring the ambient temperature outside the device as shown in Figure 1," and a concentration meter 153 (monitor 153) and first control unit 150 (control system 150).

Zelina does not , however, disclose every feature recited in claim 1. Zelina discloses that monitors 152, 153 monitor conditions within the tunnel 11. Zelina does not disclose a combination of an ambient temperature sensor, relative humidity sensor and concentration meter as claimed. Nor does Zelina disclose an ambient temperature sensor located outside of the device for sensing the ambient temperature outside the device, or a relative humidity sensor for measuring the relative humidity outside the device, as recited in claim 1. Thus, Zelina does not disclose a first control unit for controlling the amount of sterilizing agent introduced in the sterilization zone based on the temperature measured by the ambient temperature sensor, the relative humidity measured by the relative humidity sensor and the concentration measured by the concentration meter, as recited in claim 1.

Accordingly, claim 1 is not anticipated by Zelina. Zelina also would not have rendered obvious the device recited in claim 1.

Claims 3-6, 8-14 and 16-19, which depend from claim 1, are also not anticipated (or rendered obvious) by Zelina for at least the same reasons as those for which claim 1 is not anticipated (or rendered obvious).

### **Rejections Under 35 U.S.C. § 103**

A. Claims 2 and 7 were rejected under 35 U.S.C. § 103(a) over Zelina in view of U.S. Patent Application Publication No. 2001/0000558 to Taggart ("Taggart"). The rejection is respectfully traversed.

Claims 2 and 7 depend from claim 1. Taggart discloses an apparatus for providing container lidding and sealing. However, Taggart does not disclose the above-discussed missing features of Zelina in regard to claim 1. Thus, even if the elements of Zelina and Taggart were combined in the manner proposed by the Office, the combination of elements still would not include every feature recited in claim 1. Therefore, claims 2 and 7 are patentable over the applied references for at least the same reasons as those for which claim 1 is patentable. Withdrawal of the rejection is respectfully requested.

B. Claim 15 was rejected under 35 U.S.C. § 103(a) over Zelina in view of U.S. Patent Application Publication No. 2001/0000558 to Niwa ("Niwa"). The rejection is respectfully traversed.

Claim 15 depends from claim 1. Niwa discloses an apparatus for producing long-term preservable lunches. However, Niwa does not disclose the above-discussed missing features of Zelina in regard to claim 1. Thus, even if the elements of Zelina and Niwa were combined in the manner proposed by the Office, the combination of elements still would not include every feature recited in claim 1. Therefore, claim 15 is patentable over the applied references for at least the same reasons as those for which claim 1 is patentable. Withdrawal of the rejection is respectfully requested.

**Conclusion**

Therefore, allowance of the application is respectfully requested. Should there be any questions concerning this reply or the application in general, the undersigned can be reached at the number given below.

Respectfully submitted,

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# ANNOTATED SHEET

APPLN. FILING DATE: APRIL 14, 2005

TITLE: CONTROL OF STERILIZATION DEVICE AND METHOD

INVENTOR(S): HAKAN MOLLER ET AL.

APPLN. NO.: 10/531,297

SHEET 1 OF 2

1/2

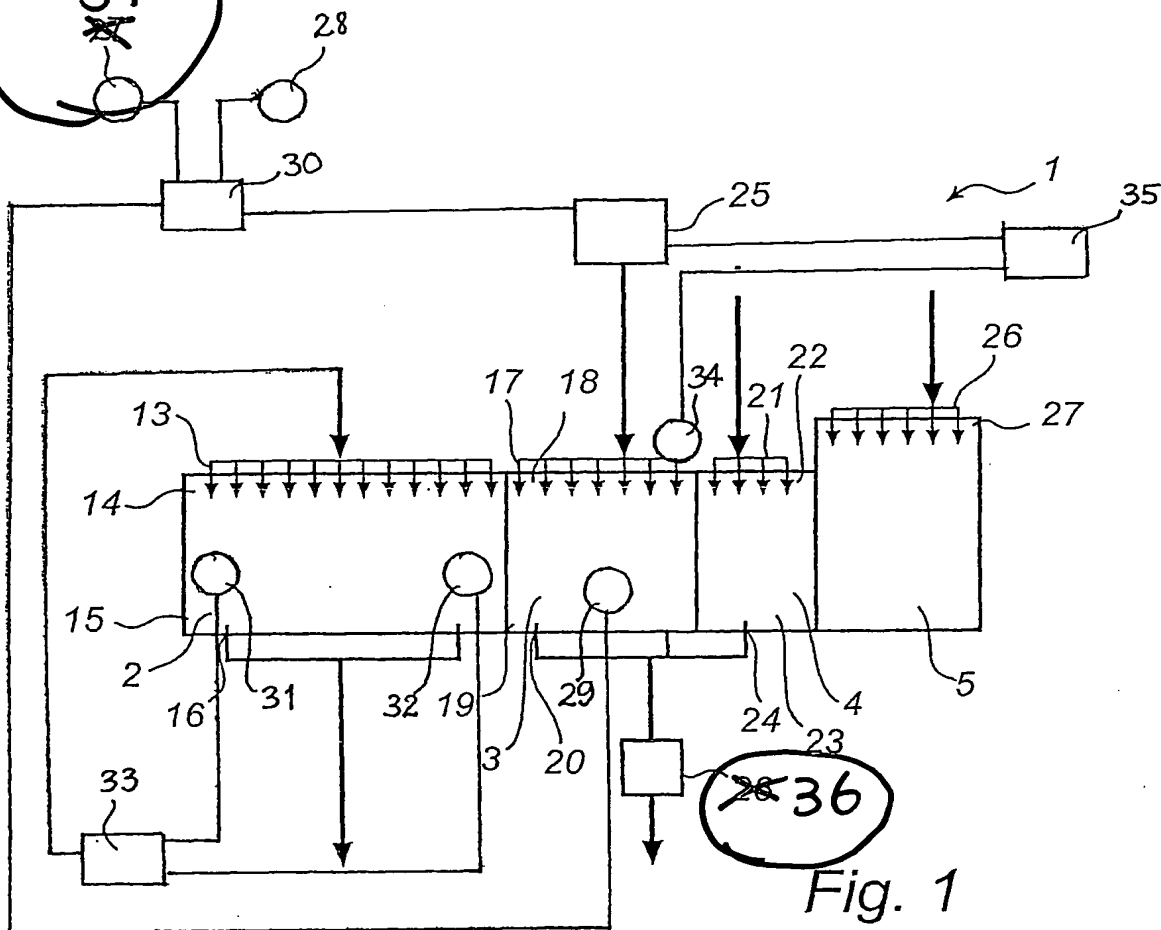


Fig. 1

ANNOTATED SHEET

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